



Memorandum

To: Rick Sun, Los Angeles County Department of Public Works

From: Matt Petty, CDM Smith
Wendy Katagi, CDM Smith

Date: June 23, 2015

Subject: Final Biological Monitoring for the Oxford Retention Basin Multiuse Enhancement Project – Introduction and Methods for Phase 2 Construction

Introduction

This memorandum summarizes the methods involved with biological monitoring of Phase 2 construction activities beginning on June 1, 2015, and expected to conclude in early 2016. Biological monitoring will be conducted on a daily basis through completion of construction activities for the Oxford Retention Basin Multiuse Enhancement project. This monitoring is being conducted in compliance with the Streambed Alteration Agreement and Amendment issued by the California Department of Fish and Wildlife (CDFW) for the project.

Methods

Daily biological monitoring is conducted by a qualified CDM Smith biologist, beginning between 7:00-7:30 am and ending with the daily completion of construction activities, generally between 3:30-4:00 p.m. In accordance with the CDFW Streambed Alteration Agreement (Amendment 9, Section 2.32), the weather will be checked to determine if rainfall in excess of the threshold (greater than 0.02 inch of rain, with 50% chance of rain or greater probability) was forecast. As stated in Amendment 9, "...if measurable rain...is predicted, all work activities shall cease and protective measures to prevent erosion/siltation shall be implemented/maintained."

The initial discovery of an active killdeer nest on-site on June 2, 2015, triggered preparation of a Draft Bird Nesting Management Plan to outline establishment of nest buffers and other protective measures to ensure successful nesting and fledging of young. The Draft Nesting Bird Management Plan was submitted to CDFW by CDM Smith, on behalf of the County, on June 9, 2015. **Per Betty Courtney, CDFW has reviewed the Draft Bird Nesting Management Plan. CDFW states, "...the buffer should be established based on observed behavior of the bird(s) during different stages of construction activities or noise to ensure the project meets the requirements of FG Code section 3503." The CDM Smith biologist followed CDFW guidance regarding observed behavior of the bird(s) during different stages of construction activities or noise to ensure the project meets the requirements of FG Code section 3503. Per Erinn Wilson on June 19, 2015, CDFW has no additional comments on the Draft Bird Nesting Management Plan and the Plan is now complete and Final.**

The Final Bird Nesting Management Plan will apply to any additional active nests found on-site through the end of construction. **Per Erinn Wilson on June 19, 2015, CDFW instructs that the Final Bird Nesting Management Plan is a strategy document, not a log; therefore, it does not need to be updated with new information regarding any additional active nests found during construction.** For any new nest found, nesting buffers will be established based off of biologist observations, life history characteristics of the nesting species, and the available literature, including CDFW-approved nesting buffers for other projects in the region. All buffers will comply with CDFW guidance and FG Code section 3503. No construction activity will be allowed within nesting buffers, and they will remain in place until the young have left the nest or the nest otherwise becomes inactive (i.e. nest abandonment/failure). The biologist will have the authority to adjust nesting buffers based on observed bird behaviors to ensure construction activities will not adversely affect nesting birds.

The California least tern, a state and federally-listed endangered species, has been reported foraging on-site. It is assumed California least terns on site are associated with the nearby Venice nesting colony. **If a tern approaches work activities, all work will be stopped. Consistent with CDFW guidance from Betty Courtney on June 2, 2015 (personal communication via email to CDM Smith), “...everyone just needs to avoid the least tern so there is no direct mortality or capture, as defined by the code.”** CDFW recommends that avoidance is the best practice for avoiding take. As long as no activities result in direct mortality or capture, they can continue. To ensure no mortality or capture occurs, the biologist will temporarily stop work if the tern approaches work areas. In the unlikely event that the tern displays nesting behaviors, the biologist will stop work and CDFW will be contacted immediately. Sightings of the California least tern, and all listed threatened or endangered species and species of special concern, will be recorded in the Daily Biological Monitoring Report. Additional species of special concern that have been documented on-site include osprey, brown pelican, and monarch butterfly.

Each day, the biologist will provide Los Angeles County Department of Public Works with a Daily Biological Monitoring Report. This report will contain the biologist’s field log notes, with observations of the day’s construction activities and wildlife presence and behavior. The report will contain documentation of every observed species and a list of conclusions that expound upon the day’s observations to provide additional ecological understanding. The Daily Biological Monitoring Report will also provide information on the day’s weather.

The initial draft of the Daily Biological Monitoring Report will be sent to the CDM Smith project manager for review. Once the CDM Smith review is completed, the draft will be sent to Los Angeles County Department of Public Works for review and comment. The biologist and CDM Smith project manager will respond to any questions or comments. Once all comments are addressed, the CDM Smith project manager will finalize the Daily Biological Monitoring Report and submit to Los Angeles County Department of Public Works.